

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TERRY LYNN KIMBALL,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:04CV103-DJS
)	
ST. LOUIS METROPOLITAN POLICE)	
DEPARTMENT, P.O. KENNETH GLADNEY,)	
P.O. CLAUDE CROCKER and METRO)	
DUTY SERGEANT,)	
)	
Defendants.)	

MEMORANDUM AND RECOMMENDATION

Attorney Michael Wetmore was appointed on July 5, 2005 to represent plaintiff Terry Lynn Kimball in this action under 42 U.S.C. §1983 alleging an unconstitutional use of force by defendant Gladney, a St. Louis police officer. After the remaining claim was tried to a jury and judgment entered against plaintiff in November 2006, appointed counsel has timely submitted a request for reimbursement of expenses incurred in the representation. Because the amount sought exceeds \$5,000, the applicable regulations require approvals beyond that of the presiding judge.¹ In connection therewith, the undersigned provides this memorandum in support of his recommendation that the requested reimbursement be approved.

¹See Regulations Governing the Disbursement of Funds from the Non-Appropriated Fund for Attorney's Fees and Out-of-Pocket Expenses Incurred by Attorneys Appointed to Represent Indigent Parties in Civil Proceedings Pursuant to 28 U.S.C. §1915(e), promulgated by the Court *en banc*, February 24, 2004, §B.2.

The request for reimbursement seeks a total of \$7,102.68, the sum of the following amounts: \$2,823.35 for depositions and transcripts, \$962.87 for service of papers and witness fees, \$466.98 for preparation of trial exhibits and telephone toll calls, and \$2,849.48 for computer-assisted research and the cost of certified copies of medical records. These expenses are among those covered by the Court's regulations governing such reimbursements from the Non-Appropriated Fund, and are well supported by documentation demonstrating that the request is appropriate and reasonable, and that the amounts were actually incurred and paid. The Court further notes that appointed counsel represented plaintiff for some 17 months, with respect to numerous motions and through a three-day trial, but seeks no compensation for attorney's fees, as is now possible from the Non-Appropriated Fund.

Upon careful review of the request and the supporting documentation, and for all the foregoing reasons,

IT IS HEREBY RECOMMENDED that the Request for Reimbursement of Out-of-Pocket Expenses [Doc. #175] be granted in the full amount of \$7,102.68.

Dated this 11th day of January, 2007.

/s/ Donald J. Stohr
UNITED STATES DISTRICT JUDGE